

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**
3

4 Olivia Aguilar-Bamaca,
5 Petitioner

Case No.: 2:18-cv-01486-JAD-NJK

Order Closing Case

6 v.

7 Nikita Curry, Assistant Field Office Director,
8 Immigration & Customs Enforcement; et al.,
9 Respondents

10 Petitioner Olivia Aguilar-Bamaca is a citizen of Guatemala who, along with her five-
11 year-old daughter, entered the United States without inspection to seek asylum. The two were
12 soon separated: the daughter was released to Aguilar-Bamaca's brother in Florida while Aguilar-
13 Bamaca went through credible fear interviews to determine whether she was eligible for asylum.
14 An asylum officer and an immigration judge both found Aguilar-Bamaca ineligible, and the
15 Department of Homeland Security (DHS) began arranging for her removal to Guatemala. At
16 some point, Immigration and Customs Enforcement (ICE), a division of DHS, transferred
17 Aguilar-Bamaca to a detention facility in Southern Nevada. Concerned that she would be
18 deported without her daughter, Aguilar-Bamaca filed a habeas corpus petition in this district.¹
19 Aguilar-Bamaca asserted that she was a class member under the nationwide injunction issued in
20 *Ms. L. v. U.S. Immigration & Customs Enforcement*, in which the U.S. District Court for the
21 Southern District of California enjoined DHS from deporting class members without first
22 reuniting them with their children.²

23 I ordered the government to respond to the petition,³ but while its response was pending,
24 Aguilar-Bamaca filed an emergency motion, informing me that ICE had transferred her to a

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26 ¹ ECF No. 1.

27 ² *Ms. L. v. U.S. ICE*, 310 F. Supp. 3d 1133, 1149–50 (S.D. Cal. 2018).

28 ³ ECF No. 3.

1 facility in Arizona for immediate removal and seeking a stay until I decided her petition.⁴ I
2 granted the motion and set an emergency hearing.⁵ Meanwhile, the government filed its
3 response, conceding that Aguilar-Bamaca was a class member under the nationwide injunction
4 and representing that it was in the process of reunifying her with her daughter.⁶

5 At the hearing on August 31, the government confirmed both points on the record and
6 described its efforts to reunify Aguilar-Bamaca with her daughter. I extended my temporary stay
7 of deportation for a week and ordered the government to appear for a status hearing and file a
8 status report before the stay's expiration.⁷ In its report, the government represented that it would
9 pay for Aguilar-Bamaca's brother and daughter to travel to a yet-to-be-determined facility where
10 mother and daughter would be reunited.⁸ At the status hearing, the government elaborated that it
11 was still working out the logistics but that the reunification would occur at a family detention
12 facility in Texas.⁹ The government again confirmed that Aguilar-Bamaca was a class member
13 under the nationwide injunction and represented that it did *not* intend to argue that she was "unfit
14 or present[ed] a danger to" her daughter and was thus exempt from the reunification mandate.¹⁰
15 Because reunification was underway and absent objection from Aguilar-Bamaca's counsel, I
16 allowed my stay order to expire at the parties' joint request but ordered the government to file a
17 final status report once reunification occurred.

18 On September 17, the government gave notice that Aguilar-Bamaca and her daughter
19 were reunited and being housed at a center in Dilley, Texas.¹¹ Aguilar-Bamaca has made no
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21 ⁴ ECF No. 5.

22 ⁵ ECF No. 6.

23 ⁶ ECF No. 10 ("Petitioner in this matter falls within the class.").

24 ⁷ ECF No. 11.

25 ⁸ ECF No. 15.

26 ⁹ ECF No. 16.


27 ¹⁰ *See Ms. L.*, 310 F. Supp. at 1149.

28 ¹¹ ECF No. 17.

1 further filings, and I see no cause for keeping her case open; any possible relief against removal
2 that she or her daughter may pursue is an immigration matter outside my jurisdiction.

3 Accordingly, IT IS HEREBY ORDERED that the **Clerk of the Court CLOSE THIS**
4 **CASE.**

5 Dated: October 9, 2018

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8 U.S. District Judge Jennifer A. Dorsey
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